

ORDINANCE NO. 26-17

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA; AMENDING AND SUPERSEDING THE PROPERTY-MAINTENANCE-CODE ADOPTION PROVISIONS OF ORDINANCE NO. 12-01, AS AMENDED BY ORDINANCE NO. 15-08; ADOPTING BY REFERENCE THE 2024 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, INCLUDING APPENDIX A, WITH LOCAL AMENDMENTS; PROVIDING THAT ICC COMMENTARY AND OTHER NON-CODE MATERIAL ARE NOT ADOPTED; RETAINING AND COORDINATING THE TOWN'S EXISTING CODE-ENFORCEMENT, NOTICE, APPEAL, ABATEMENT, COST-RECOVERY, AND LIEN PROCEDURES; AMENDING SECTIONS 34-5 AND 34-29 OF THE CODE OF ORDINANCES TO REMOVE OUTDATED MODEL-CODE AND CODE-ENFORCEMENT-BOARD REFERENCES; PROVIDING FOR APPLICABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Dundee, Florida (the "Town"), is a municipal corporation possessing broad home-rule authority under Article VIII, Section 2(b) of the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Ordinance No. 12-01 adopted the 2009 edition of the International Property Maintenance Code as the Town's property maintenance code; and

WHEREAS, Ordinance No. 15-08 amended Ordinance No. 12-01 and revised related provisions of the Town Code concerning penalties, code enforcement, nuisances, notice, appeals, abatement, cost recovery, special assessments, and liens; and

WHEREAS, the International Code Council has published the 2024 edition of the International Property Maintenance Code (the "2024 IPMC"), which establishes updated minimum standards governing the maintenance of existing residential and nonresidential structures and premises; and

WHEREAS, adoption of the 2024 IPMC, with local amendments coordinated with the Town's existing enforcement procedures, will promote public health, safety, property protection, and general welfare; and

WHEREAS, the Town Commission intends to replace the obsolete 2009-edition adoption while preserving the substantive local code-enforcement and nuisance-abatement provisions enacted by Ordinance No. 15-08 except where this Ordinance expressly provides otherwise; and

WHEREAS, the Town Commission intends to adopt the enforceable code text of the 2024 IPMC and Appendix A, but not ICC commentary, annotations, explanatory notes, or other non-code material that may appear in a combined publication; and

WHEREAS, the Town utilizes a Code Enforcement Special Magistrate and desires to conform existing appeal provisions and model-code references to the Town's current enforcement structure; and

WHEREAS, the Town Commission finds that this Ordinance serves a valid municipal purpose and is in the best interests of the Town and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA:

Section 1. Recitals and Legislative Findings.

The recitals above are true and correct, are adopted as legislative findings, and are incorporated into this Ordinance.

Section 2. Adoption of the 2024 International Property Maintenance Code.

The Town adopts by reference the 2024 edition of the International Property Maintenance Code, published by the International Code Council, Inc., together with Appendix A (Boarding Standard), as the Property Maintenance Code of the Town of Dundee, Florida, subject to the local amendments in Section 3. Appendix B (Board of Appeals) and every other appendix are not adopted. ICC commentary, annotations, explanatory notes, historical or technical discussion, bibliographies, and other non-code material contained in any Code and Commentary publication are not adopted and have no independent legal effect. The adopted code text is not reproduced in this Ordinance. Before the enforcement date, the Town Clerk shall obtain and maintain, or ensure the Town maintains, an authorized official copy of the adopted code and any applicable official errata for public inspection as required by law.

Section 3. Dundee Amendments to the 2024 IPMC.

The following Dundee amendments replace or complete the listed provisions of the 2024 IPMC. If one of these amendments conflicts with the unamended model code text, the Dundee amendment controls:

101.1 — Jurisdiction. These regulations shall be known as the Property Maintenance Code of the Town of Dundee, hereinafter referred to as “this code”.

103.1 - Responsible department and code official. The code compliance agency shall be the Town department or office designated by the Town Manager to administer and enforce this code. The official in charge shall be known as the code official. The Town Manager may designate one or more qualified Town employees or authorized agents to perform code-official functions, subject to the Town Code and any limitations or qualification requirements imposed by Florida law.

104 — Fees. The Town Commission must establish any fee by resolution or otherwise authorize it under the Town Code. This Ordinance creates no new fee.

106.1-106.4 - Technical appeals. Delete Sections 106.1 through 106.4 and replace them with the following: A person directly affected by a code official's written order, decision, or determination concerning the application or interpretation of this code may appeal to the Town's Code Enforcement Special Magistrate. The appeal must be filed in writing with the Town Clerk within 20 calendar days after the decision is served, must identify the decision being challenged, and must state the claimed error. An appeal may assert that the code has been incorrectly interpreted or applied, does not fully apply, or that an equivalent or better means of compliance is proposed. The Special Magistrate may affirm, modify, or reverse the code official's written decision but may not waive a code requirement or exercise authority reserved by law to another official. A timely appeal stays the appealed decision until a written ruling is issued, except for emergency measures, imminent-danger actions, orders to vacate or secure an unsafe structure, or other actions for which a stay would threaten public health or safety or is unavailable under applicable law. This technical appeal is separate from a hearing on an alleged code violation under the Town Code and Chapter 162, Florida Statutes. Judicial review of a final order is available in the manner and within the time provided by applicable law, including Section 162.11, Florida Statutes, when applicable. Appendix B is not adopted.

107 — Violations and enforcement. The Town shall administer violations, notices, hearings, penalties, abatement, and other remedies under the Town Code, including Sections 1-14, 2-62 through 2-64, 2-70, and Chapter 34, as amended by Chapter 162, Florida Statutes, and other applicable law. A model-code reference to a misdemeanor or civil infraction does not, by itself, create a criminal offense. When authorized by law, each day a violation continues after lawful notice is a separate violation.

108.1 - Stop-work authority. The code official may issue a stop-work order only for work within the code official's lawful authority. Nothing in Section 108 authorizes the code official to exercise powers reserved by Florida law or an applicable technical code to the building official, fire code official, utility, public works authority, or another official. A stop-work order affecting work subject to a building or fire permit shall be coordinated with and, when required by law, issued by the official legally authorized to stop that work.

108.4 - Failure to obey a stop-work order. A fine may be imposed only as authorized by the Town Code, Chapter 162, Florida Statutes, or other applicable law.

109-111 - Unsafe conditions, emergency measures, and demolition. The Town shall administer Sections 109 through 111 consistently with the Town Code, the Florida Building Code, the Florida Fire Prevention Code, Chapter 162, Florida Statutes, constitutional due-process requirements, and other applicable law. Nothing in these sections independently authorizes the code official to enter private property without lawful authority, disconnect utilities, close a public right-of-way, perform boarding or repairs at an owner's expense, demolish a structure, impose a special assessment or lien, or take another action for which separate legal authority or process is required. Any such action shall be taken or authorized by the official or body having lawful authority. A structure shall not be demolished solely because construction or repairs have ceased for more than two years; demolition shall require an independent lawful determination and the notice and process required

by applicable law. When the Town lawfully takes immediate action to address an emergency, it shall provide any prompt post-action notice and hearing required by law.

302.4 - Weeds and plant growth. Twelve (12) inches shall be the maximum height, subject to the definitions and exceptions in Section 34-1(c) of the Town Code, as amended. Any notice, entry, cutting or removal, cost recovery, assessment, or lien under this section shall be administered only as authorized by the Town Code and applicable law.

304.14 - Insect screens. January 1 is the beginning date and December 31 is the ending date. In practical terms, screens are required year-round where this section applies.

602.3 - Heat supplied to rented dwelling or sleeping units. November 1 is the beginning date and March 31 is the ending date, subject to the exceptions in the 2024 IPMC and applicable law.

602.4 - Heat in occupiable workspaces. November 1 is the beginning date and March 31 is the ending date, subject to the exceptions in the 2024 IPMC and applicable law.

Section 4. Existing Dundee Enforcement Procedures Remain in Effect.

Except where this Ordinance expressly states otherwise, the Town's existing code-enforcement, nuisance, notice, hearing, abatement, cost-recovery, special-assessment, lien, and enforcement-forum provisions remain in effect and supplement the 2024 IPMC, including Sections 1-14, 2-62 through 2-64, 2-70, and Chapter 34 of the Town Code, as amended. If an administrative provision of the 2024 IPMC conflicts with a Town Code provision governing those matters, the Town Code provision controls to the extent permitted by law.

Section 5. Sections 34-5 and 34-29(3), Town Code, Amended.

Sections 34-5 and 34-29(3) of the Town Code are amended as follows:

(a) Section 34-5 is amended in full to read:

Sec. 34-5. - Right to appeal notice.

Any person directly affected by a written decision of the code enforcement officer, code official, or designee, or by a notice or order issued under this article or the Property Maintenance Code, may appeal to the Code Enforcement Special Magistrate by filing a written application for appeal with the Town Clerk within 20 calendar days after the decision, notice, or order is served. An appeal shall identify the action challenged and shall be based on a claim that the applicable code or legally adopted rule has been incorrectly interpreted or applied, does not fully apply, or is adequately satisfied by an equivalent or better means of compliance. A timely appeal stays proceedings in furtherance of the action appealed from until a written ruling is issued, except for emergency measures, imminent-danger actions, orders to vacate or secure an unsafe structure, or other actions for which a stay would threaten public health or safety or is unavailable under applicable law. A technical appeal under Section 106 of the Property Maintenance Code is separate from a code-enforcement proceeding concerning an alleged violation under Chapter 162, Florida Statutes, and the Town Code. Judicial review of a final order is available as provided by applicable law.

(b) Section 34-29(3) is amended to read:

(3) In the manner required by the applicable notice provisions of the Property Maintenance Code of the Town of Dundee, as amended.

Section 6. Effect on Ordinances No. 12-01 and No. 15-08.

On the enforcement date stated in Section 12, the 2024 IPMC adoption in this Ordinance replaces the 2009 IPMC adoption under Ordinance No. 12-01, as continued or amended by Ordinance No. 15-08. Ordinances No. 12-01 and No. 15-08 are repealed only to the extent they adopt, retain, or depend on the 2009 IPMC or directly conflict with this Ordinance. The remaining local enforcement and abatement provisions of Ordinance No. 15-08 are preserved as stated in Section 4.

Section 7. Where the Code Applies; Later Editions Not Automatic.

This Ordinance applies within the Town's corporate limits to structures and premises covered by the 2024 IPMC. A later IPMC edition, supplement, or substantive amendment is not automatically adopted; it requires a later ordinance of the Town Commission. After review by the Town Attorney, the Town may recognize official errata that correct nonsubstantive publication errors in the adopted 2024 edition.

Section 8. Conflicts with Other Codes or Laws.

An ordinance or part of an ordinance that conflicts with this Ordinance is repealed only to the extent of the conflict. A reference in the 2024 IPMC or Appendix A to another model code or standard means the corresponding code or standard legally adopted, incorporated, or otherwise in effect in the Town under Florida law. No such reference independently adopts a model code or standard that is not otherwise applicable in the Town. The Florida Building Code and Florida Fire Prevention Code control whenever state law makes either code controlling or preemptive.

Section 9. Severability.

If a court of competent jurisdiction holds any part of this Ordinance invalid or unconstitutional, the remaining parts and their application to other persons or circumstances remain in effect. The Town Commission declares that it would have adopted each remaining part without the invalid part.

Section 10. Codification and Nonsubstantive Corrections.

Sections 2 through 8 are intended to be codified. The codifier may renumber, reletter, reformat, and correct cross-references without changing substantive meaning. The Town Clerk, Town Attorney, and their designees may correct typographical, formatting, numbering, and other scrivener's errors that do not change this Ordinance's intent, substance, or legal effect.

Section 11. Implementation and Public Information.

The Town Manager, Town Clerk, Town Attorney, code official, and their designees may take the administrative actions reasonably necessary to implement this Ordinance. Those actions include obtaining and maintaining, before the enforcement date, an authorized official Town copy of the 2024 IPMC and applicable official errata; updating forms and citations; training personnel; transmitting this Ordinance for codification; and preparing a plain-language public summary. A public summary is informational only and does not replace or change the adopted code or this Ordinance.

Section 12. Effective Date, Enforcement Date, and Pending Cases.

This Ordinance takes effect immediately upon passage and adoption on second reading. Sections 2 through 8 become enforceable on December 1, 2026. Through November 30, 2026, the previously adopted property maintenance code remains in effect to the extent permitted by law. A case or enforcement action begun before December 1, 2026, may continue under the law in effect when it began, unless the Town Attorney determines that another lawful transition rule applies.

INTRODUCED ON FIRST READING this 8th day of September 2026, by
the Town Commission of the Town of Dundee, Florida, in Regular Session.

PASSED AND ADOPTED ON SECOND READING this 6th day of
October 2026.

**TOWN OF DUNDEE, FLORIDA
TOWN COMMISSION**

Joe Garrison, Mayor

ATTEST:

Erica Anderson, Town Clerk

Approved as to form:

Markeishia Smith, Town Attorney